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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 JOHN MICHAEL DUNN,

8 Plaintiff(s),

9 v.

10 DREW M. CHRISTENSEN, et al.,

11 Defendant(s).

Case No. 2:15-CV-1812 JCM (PAL)

ORDER

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13 This matter is before the court on referral from the Ninth Circuit “for the limited purpose
14 of determining whether in forma pauperis status should continue for this appeal or whether the
15 appeal is frivolous or taken in bad faith.” (ECF No. 35).

16 On May 24, 2018, the court adopted Magistrate Judge Leen’s report and recommendation,
17 thereby dismissing plaintiff’s complaint *without* prejudice. (ECF No. 31). As the order notes,
18 plaintiff’s second amended complaint was not filed on the proper form and is “needlessly long and
19 repetitive.” Further, plaintiff’s complaint does not allege that he has successfully challenged or
20 obtained favorable relief on his state court conviction, which is an essential element of plaintiff’s
21 Fourth and Sixth Amendment claims.

22 Plaintiff’s objection to Magistrate Judge Leen’s report and recommendation failed to raise
23 colorable arguments that plaintiff’s complaint states plausible claims upon which relief can be
24 granted and complies with LSR 2-1 and Federal Rule of Civil Procedure 8(a). The court holds that
25 plaintiff’s appeal is frivolous, and will therefore revoke plaintiff’s *in forma pauperis* status for the
26 appeal. *See Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of in
27 forma pauperis status is appropriate when a district court finds an appeal is frivolous).
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Accordingly,

IT IS HEREBY ORDERED that plaintiff's in forma pauperis status be, and the same hereby is, REVOKED.

The clerk shall distribute a copy of this order to the clerk of court for the United States Court of Appeals for the Ninth Circuit.

DATED June 15, 2018.


UNITED STATES DISTRICT JUDGE